

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAIJAH JACKSON,

Plaintiff,

vs.

CLARK COUNTY DETENTION CENTER,

Defendant.

Case No. 2:23-cv-01796-GMN-MDC

**ORDER DISMISSING AND CLOSING
CASE**

Pro se plaintiff Taijah Jackson brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that allegedly happened while he was in custody at Clark County Detention Center. (ECF No. 1-1). On August 2, 2024, this Court ordered Jackson to file his updated address and either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* by September 2, 2024. (ECF No. 5). The Court warned Jackson that this action could be subject to dismissal without prejudice if he failed to timely comply. (*Id.* at 1). That deadline expired and Jackson has not filed an updated address and either paid the filing fee or filed an application to proceed *in forma pauperis*, moved for an extension, or otherwise responded. And Jackson’s mail from the Court has been returned as undeliverable. (ECF No. 6).

I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the

1 public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket;
2 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on
3 their merits; and (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine*
4 *Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

5 The first two factors, the public's interest in expeditiously resolving this litigation and the
6 Court's interest in managing its docket, weigh in favor of dismissal of Jackson's claims. The third
7 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
8 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
9 or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
10 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by
11 the factors favoring dismissal.

12 The fifth factor requires the Court to consider whether less drastic alternatives can be used
13 to correct the party's failure that brought about the Court's need to consider dismissal. *See Yourish*
14 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
15 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
16 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not exhaust every
17 sanction short of dismissal before finally dismissing a case, but must explore possible and
18 meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because
19 this Court cannot operate without collecting reasonable fees, and litigation cannot progress without
20 the ability to send Jackson case-related documents, the only alternative is to enter a second order
21 setting another deadline. But without an updated address, the likelihood that the second order
22 would even reach Jackson is low, so issuing a second order will only delay the inevitable and
23 further squander the Court's finite resources. Setting another deadline is not a meaningful
24 alternative given these circumstances. So, the fifth factor favors dismissal. Having thoroughly
25 considered these dismissal factors, the Court finds that they weigh in favor of dismissal.

